

SENATE BILL 818

A2

5lr2897

By: ~~Senators Nathan Pulliam and Pugh, Pugh, and Ferguson~~

Introduced and read first time: February 20, 2015

Assigned to: Rules

Re-referred to: Education, Health, and Environmental Affairs, March 6, 2015

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 20, 2015

CHAPTER _____

1 AN ACT concerning

2 **Alcoholic Beverages – Baltimore City – ~~Class BWLT License~~ Transfer or**
3 **Issuance of Licenses**

4 FOR the purpose of applying certain provisions of law relating to the issuance of a Class
5 BWLT beer, wine, and liquor (on-premises) tasting license to a holder of a Class A
6 beer, wine and liquor license in a certain location in Baltimore City; making a certain
7 exception to a certain prohibition against the transfer or issuance of an alcoholic
8 beverages license near a church or school; authorizing the Board of Liquor License
9 Commissioners for Baltimore City to issue or allow the transfer of a certain license
10 for a proposed establishment in a certain location only if the Board of Liquor License
11 Commissioners has executed a certain memorandum of understanding with a certain
12 community association and enforces a certain memorandum of understanding under
13 certain circumstances; and generally relating to alcoholic beverages licenses in
14 Baltimore City.

15 BY repealing and reenacting, with amendments,
16 Article 2B – Alcoholic Beverages
17 Section 8-403.2 and 9-204.1(f)(6)
18 Annotated Code of Maryland
19 (2011 Replacement Volume and 2014 Supplement)

20 BY repealing and reenacting, without amendments,
21 Article 2B – Alcoholic Beverages
22 Section 9-204.1(a), (b), and (f)(1)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Annotated Code of Maryland
2 (2011 Replacement Volume and 2014 Supplement)

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
4 That the Laws of Maryland read as follows:

5 **Article 2B – Alcoholic Beverages**

6 8–403.2.

7 (a) This section applies only in:

8 (1) Ward 27, precincts 42 and 44 of the 41st Legislative District of
9 Baltimore City;

10 (2) Ward 27, precincts 41 and 48 of the 43rd Legislative District of
11 Baltimore City; [and]

12 (3) Ward 11, precinct 5 of the 44th Legislative District of Baltimore City;

13 **AND**

14 **(4) THE 3000 BLOCK OF FREDERICK AVENUE IN WARD 20, PRECINCT**
15 **9 OF THE 44A LEGISLATIVE DISTRICT OF BALTIMORE CITY, BASED ON THE**
16 **LEGISLATIVE DISTRICTING PLAN OF 2012.**

17 (b) The Board of Liquor License Commissioners for Baltimore City may issue a
18 Class BWLT beer, wine, and liquor (on–premises) tasting license to a holder of a Class A
19 beer, wine and liquor license.

20 (c) (1) The fees for a Class BWLT license are as follows:

21 (i) \$20 for a daily tasting license, which may be issued not more
22 than 12 times in any annual license year;

23 (ii) \$200 annually for a 26–day tasting license, which may be used
24 consecutively or nonconsecutively;

25 (iii) \$300 annually for a 52–day tasting license, which may be used
26 consecutively or nonconsecutively; and

27 (iv) \$750 annually for a tasting license that may be used daily
28 throughout the year.

29 (2) The fees for a Class BWLT license are in addition to the Class A annual
30 license fee.

1 (d) (1) A Class BWLT license authorizes the holder to allow the on-premises
2 consumption of beer, light wine, and liquor for tasting or sampling.

3 (2) A person may consume beer, light wine, or liquor covered by a Class
4 BWLT license in a quantity not exceeding:

5 (i) 1 ounce of light wine from a given brand in a single day;

6 (ii) 3 ounces of beer from a given brand in a single day; and

7 (iii) One-half ounce of liquor from a given brand in a single day.

8 (e) At the end of each day for which a Class BWLT license is valid, the holder of
9 the license shall dispose of any unconsumed alcoholic beverage remaining in a container
10 that was opened for tasting or sampling.

11 (f) (1) Each Class A license holder that seeks issuance of a Class BWLT license
12 for which the holder is eligible shall apply for the license on forms provided by the Board of
13 Liquor License Commissioners for Baltimore City.

14 (2) The forms provided by the Board of Liquor License Commissioners for
15 Baltimore City under paragraph (1) of this subsection for licenses issued under subsection
16 (c)(1)(i) through (iii) of this section shall specify the date or dates on which the tasting is
17 requested to occur.

18 (3) The application and payment for the daily license under subsection
19 (c)(1)(i) of this section shall be submitted at least 7 days in advance of the tasting event or
20 7 days in advance of the first day of consecutive day tasting events.

21 (4) The application and payment for the 26-day tasting license and the
22 52-day tasting license shall be made at least 7 days in advance of the first proposed tasting
23 event.

24 (5) The holder of a 26-day tasting license and a 52-day tasting license shall
25 notify the Board of Liquor License Commissioners for Baltimore City, on forms approved
26 by the Board of Liquor License Commissioners for Baltimore City, of additional tasting
27 events authorized by the licenses.

28 (g) The provisions of this section are not restricted by:

29 (1) § 12-107(b) of this article; and

30 (2) The provisions in § 9-102 of this article that prohibit the issuance of
31 two licenses for the same premises.

32 (h) The holder of a Class BWLT license may exercise the privileges of this section
33 during the hours and days provided for under the holder's respective Class A license.

1 9-204.1.

2 (a) In this section, "Board" means the Board of Liquor License Commissioners for
3 Baltimore City.

4 (b) This section applies only in Baltimore City.

5 (f) (1) This subsection applies only in the 46th alcoholic beverages district.

6 (6) (i) Except as provided in subparagraph (ii) of this paragraph, the
7 Board may not transfer or issue a license if the transfer or issuance would result in:

8 1. The licensed premises being located within 300 feet of the
9 nearest point of a church or a school; or

10 2. The licensed premises being located closer to the nearest
11 point of a church or a school than the licensed premises was on June 1, 2004.

12 (ii) This paragraph does not apply to a licensed restaurant in:

13 1. Ward 4, precinct 1;

14 2. Ward 22, precinct 1; [or]

15 3. A residential planned unit development for Silo Point as
16 approved by the Mayor and City Council of Baltimore City in Ordinance 04-697 on June
17 23, 2004; OR

18 4. **SUBJECT TO SUBPARAGRAPH (III) OF THIS**
19 **PARAGRAPH, THE AREA BOUNDED AS FOLLOWS: FROM THE INTERSECTION OF WEST**
20 **OSTEND STREET AND RACE STREET, NORTH ON RACE STREET TO SELDNER**
21 **PLACE, THEN EAST ON SELDNER PLACE TO CLARKSON STREET, THEN NORTH ON**
22 **CLARKSON STREET TO WEST CROSS STREET, THEN EAST ON WEST CROSS STREET**
23 **TO SOUTH HANOVER STREET, THEN NORTH ON SOUTH HANOVER STREET TO RACE**
24 **STREET (ALSO KNOWN AS WINTER STREET), THEN WEST/SOUTHWEST ON RACE**
25 **STREET TO WEST CROSS STREET, THEN WEST ON WEST CROSS STREET TO**
26 **LEADENHALL STREET, THEN SOUTH ON LEADENHALL STREET TO WEST OSTEND**
27 **STREET, THEN EAST ON WEST OSTEND STREET BACK TO THE INTERSECTION OF**
28 **WEST OSTEND STREET AND RACE STREET.**

29 (iii) **FOR A PROPOSED ESTABLISHMENT THAT IS LOCATED**
30 **WITHIN 300 FEET OF THE NEAREST POINT OF A CHURCH OR SCHOOL, THE BOARD**
31 **MAY ISSUE OR ALLOW THE TRANSFER OF A LICENSE INTO THE AREA DESCRIBED IN**
32 **SUBPARAGRAPH (II)4 OF THIS PARAGRAPH ONLY IF:**

1 1. THE BOARD HAS EXECUTED A MEMORANDUM OF
2 UNDERSTANDING WITH A COMMUNITY ASSOCIATION IN THE AREA DESCRIBED IN
3 SUBPARAGRAPH (II)4 OF THIS PARAGRAPH REGARDING THE NATURE OF THE
4 PROPOSED ESTABLISHMENT; AND

5 2. THE BOARD ENFORCES THE MEMORANDUM OF
6 UNDERSTANDING AGAINST ANY LICENSE HOLDER THAT OBTAINS A LICENSE UNDER
7 SUBPARAGRAPH (II)4 OF THIS PARAGRAPH AND SEEKS TO RENEW OR TRANSFER THE
8 LICENSE.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
10 1, 2015.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.